

1  
2  
3  
4  
5  
6  
7  
8 IN THE UNITED STATES DISTRICT COURT

9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

10  
11 NICHIA CORPORATION,

12 Plaintiff,

13 v.

14 SEOUL SEMICONDUCTOR CO.,LTD., et al.,

15 Defendants

16 No. C 06-0162 MMC

17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
ORDER DENYING OBJECTION TO  
MAGISTRATE JUDGE'S REPORT AND  
RECOMMENDATION RE: PLAINTIFF'S  
MOTION TO BAR OBVIOUSNESS  
DEFENSE; GRANTING PLAINTIFF'S  
MOTION TO BAR OBVIOUSNESS  
DEFENSE; GRANTING DEFERRED  
PORTION OF PLAINTIFF'S MOTION  
FOR SUMMARY JUDGMENT

Before the Court is defendants' "Objection to Magistrate Judge's Report and Recommendation Re Plaintiff's Motion to Bar Obviousness Defense," filed August 28, 2007.

Having fully reviewed the matter, the Court hereby DENIES the objection, for the reason defendants have failed to show the subject order is clearly erroneous or contrary to law. See 28 U.S.C. § 636(b)(1)(A) (providing district court may reconsider magistrate's order where it has been shown to be clearly erroneous or contrary to law). Alternatively, considering the matter de novo, the Court hereby adopts the Report and Recommendation, and, accordingly, GRANTS plaintiff's motion to bar defendants' obviousness defense.. See U.S.C. § 636(b)(1) (providing, as to "proposed recommendation," district court shall "make a de novo determination of those portions of the report . . . to which objection is made").

1       In light of the above ruling, the deferred portion of plaintiff's motion for summary  
2 judgment, by which plaintiff seeks judgment in its favor on the issue of obviousness, is  
3 hereby GRANTED.

4       **IT IS SO ORDERED.**

5       Dated: August 31, 2007

  
MAXINE M. CHESNEY  
United States District Judge

10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28